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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,812	03/15/2004	Josep Lluís de la Rosa	TJA-100US	1617
23122	7590	02/28/2008	EXAMINER	
RATNERPRESTIA			SANDERS, AARON J	
P O BOX 980			ART UNIT	PAPER NUMBER
VALLEY FORGE, PA 19482-0980			2168	
			MAIL DATE	DELIVERY MODE
			02/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,812

Applicant(s)

DE LA ROSA, JOSEP LLUIS

Examiner

AARON SANDERS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 September 2007 has been entered. Claims 1, 3-9, and 11-14 are pending. Claims 1, 4-5, 7-9, and 13 are amended. Claims 2 and 10 are canceled.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: Targeting Products and Services to Consumers Based on a Vendor's Determination of an Objective Interest Level.

Claim Objections

As per claim 4, the step of "consulting said database A" is not recited in claim 1. The step of "consulting said databases A and P" does not indicate that they are consulted separately.

As per claim 6, it appears that there should be a space between "weight" and "w_{ij}" in the phrase "weightw_{ij}."

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As per claim 7, the step of "consulting said database A" is not recited in claim 1. The step of "consulting said databases A and P" does not indicate that they are consulted separately.

Claim Rejections - 35 USC § 112, First Paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the limitations "matching said databases A and P" and "by a vendor who offers the products or services" do not appear in the specification. The specification discloses that a vendor intends to offer products or services, but not that it does so.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-9, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al., U.S. Pat. 5,835,087 (Herz), in view of Wong U.S. 2003/0046149 (Wong).

1. Herz teaches "*A method for influencing market decisions of people in the market, the method comprising the steps of,*" see col. 4, lines 37-48, "which system enables a user to access target objects of relevance and interest to the user without requiring the user to expend an excessive amount of time and energy."

Herz teaches "*creating a universe of N attributes $V_i = [v_1, v_2, \dots, v_N]$ to be shown or exposed to a person j , wherein the attributes are associated with products or services,*" see col. 4, lines 49-66, "(b.) a digitally represented profile indicating that target object's attributes is termed a 'target profile.'"

Herz teaches "*showing said attributes V_i to said person j and calculating at least one of importance, weight or sensibility each of said attributes V_i has on said person j for predicting future market decisions of said person j , and expressing the corresponding results of said calculation as $W_{ij} = [w_{1j}, w_{2j}, \dots, w_{Nj}]$,*" see col. 4, lines 5-29, "Chang et al. teaches a method in which users choose terms to use in an information retrieval query, and specify the relative weightings of the different terms. The Chang system then calculates multiple levels of weighting criteria."

Herz teaches "*wherein the method further comprises at least the steps of: creating a database $A = [a_{ij}]$ including, for said person j , said universe of attributes V_i ordered by their calculated weight w_{ij} ,*" see col. 4, lines 49-66, "(f) a profile consisting of a collection of attributes, such that a user likes target objects whose profiles are similar to this collection of attributes, is termed a 'search profile.'"

Herz teaches "*consulting said databases A and P , matching said databases A and P , selecting from matched database attributes V_i whose importance, weight or sensibility w_{ij} are*

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higher than a specific value, and showing only products or services having those selected attributes to said person j," see col. 6, lines 34-60, "The system further includes a profile processing module which estimates each user's interest in various target objects by reference to the users' target profile interest summaries, for example by comparing the target profiles of these target objects against the search profiles in users' search profile sets, and generates for each user a customized rank-ordered listing of target objects most likely to be of interest to that user."

Herz teaches "*creating a database $P = [p_{ij}]$ including, for said person j, said universe of attributes V_i ordered by a corresponding objective interest level $Z_i = [z_1, z_2, \dots, z_N]$,*" see col. 4, lines 49-66, "(b.) a digitally represented profile indicating that target object's attributes is termed a 'target profile' ... (h.) a collection of target objects with similar profiles, is termed a 'cluster'" where the claimed "objective interest level" is indicated by the referenced "cluster." Herz does not teach "*wherein said objective interest level is determined by a vendor who offers the products or services.*" Wong does, however, see Fig. 1 and [0025], "The procedure then proceeds to block 13, where the procedure defines an interest level I. The interest level can be defined by the advertiser." Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Wong's teachings would have allowed Herz's method to gain a means for presenting advertisements that are interesting to an audience of Internet users, see [0004].

3. Herz teaches "*The method of claim 1, further comprising the step of: consulting both said databases A and P and selecting from them those attributes v_i whose importance, weight and/or sensibility w_{ij} , for said person j, are higher than a specific value, and whose objective interest level z_i are higher than another specific value, and showing only those selected attributes*

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whose objective interest level z_i are higher than said another specific value to said person j ," see col. 4, lines 49-66, "(g.) a specific embodiment of the target profile interest summary which comprises a set of search profiles is termed the 'search profile set' of a user" which means that the "search profile set" is the set of weighted attributes the user is interested in.

4. Herz teaches "*The method of claim 1, wherein said steps of consulting said database A, selecting said attributes and showing said selected attributes v_i , are done for a group of people instead of only one person j ,*" see col. 6, lines 1-33, "the system for customized electronic identification of desirable objects uses a fundamental methodology for accurately and efficiently matching users and target objects by automatically calculating, using and updating profile information that describes both the users' interests and the target objects' characteristics."

5. Herz teaches "*The method of claim 1, wherein said steps of consulting said databases A and P, selecting said attributes and showing said selected attributes v_i , are done for a group of people instead of only one person j ,*" see col. 6, lines 1-33, "the system for customized electronic identification of desirable objects uses a fundamental methodology for accurately and efficiently matching users and target objects by automatically calculating, using and updating profile information that describes both the users' interests and the target objects' characteristics."

6. Herz teaches "*The method of claim 1, wherein said databases A and P include said attributes v_i and their corresponding weight w_{ij} related to every person, by using tuples, wherein $[a_{ij}] = \langle v_i, w_{ij} \rangle$ of tuples $\langle \text{attribute}, \text{weight} \rangle$ and $[p_{ij}] = \langle v_i, z_i \rangle$ of tuples $\langle \text{attribute}, \text{interest} \rangle$,*" see col. 10, lines 21-56, "perhaps the user has shown a past interest in films whose review text (attribute h) contains words like 'chase,' 'explosion,' 'explosions,' 'hero,' 'gripping,' and 'superb.' This generalization is again useful in identifying new films of interest" which shows a

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direct relation between attributes and their weights, and e.g. col. 9, line 61 to col. 10, line 7, “where the system for customized electronic identification of desirable objects is activated to identify movies of interest, the system is likely be concerned with the values of attributes such as these: (a.) title of movie” which shows a direct relation between attributes and user interests.

7. Herz teaches “*The method of claim 1, wherein said consulting of said database A is done automatically,*” see col. 5, lines 7-20, “the present invention automatically constructs... a ‘target profile interest summary’ for each user, which target profile interest summary describes the user’s interest level in various types of target objects” which requires automatic access to the user’s “search profiles.”

8. Herz teaches “*The method of claim 1, wherein said consulting of said databases A and P is done automatically,*” see col. 5, lines 7-20, “the present invention automatically constructs... a ‘target profile interest summary’ for each user, which target profile interest summary describes the user’s interest level in various types of target objects.”

9. Herz teaches “*The method of claim 1, wherein at least one of said attributes v_i includes at least two others of said attributes v_i ,*” see col. 6, lines 1-33, “Attributes may include, but are not limited to, the following: ... (4) associations with other types of objects (list of actors in a movie, list of persons who have read a document).”

11. Herz teaches “*The method of claim 1, wherein said attributes v_i refer to different articles,*” see col. 6, lines 1-33, “Attributes may include, but are not limited to, the following: (1) long pieces of text (a newspaper story, a movie review, a product description or an advertisement).”

12. Herz teaches "*The method of claim 1, wherein said attributes v_i are different characteristics of an article,*" see col. 6, lines 1-33, "Attributes may include, but are not limited to, the following: (1) long pieces of text (a newspaper story, a movie review, a product description or an advertisement), (2) short pieces of text (name of a movie's director, name of town from which an advertisement was placed, name of the language in which an article was written), (3) numeric measurements (price of a product, rating given to a movie, reading level of a book), (4) associations with other types of objects (list of actors in a movie, list of persons who have read a document)" where e.g. "a movie review", the "name of a movie's director", and the "list of actors in a movie" are all characteristics of an article, in this case, a movie.

13. Herz teaches "*The method of claim 9, wherein said weight w_{ij} of said attributes v_i is a number which reflects at least one of (i) the quantity of a specific article and (ii) articles with a specific characteristic, likely to be acquired,*" see col. 11, line 66 to col. 12, line 46, "a target object's popularity (or circulation) can be usefully measured as a numeric attribute specifying the number of users who have retrieved that object" where the "target object" is the "article" and its "popularity" is its "weight". See also, e.g. col. 12, line 48 to col. 13, line 5, "a textual attribute, such as the full text of a movie review, can be replaced by a collection of numeric attributes that represent scores to denote the presence and significance of the words 'aardvark,' 'aback,' 'abacus,' and so on through 'zymurgy' in that text. The score of a word in a text may be defined in numerous ways. The simplest definition is that the score is the rate of the word in the text" where the words in the text are the "articles" and the "rate" at which they appear is their "weight."

14. Herz teaches “*The method of claim 11, wherein said weight w_{ij} of said attributes v_i is a number which reflects at least one of (i) the quantity of a specific article and (ii) articles with a specific characteristic, likely to be acquired,*” see col. 11, line 66 to col. 12, line 46, “a target object’s popularity (or circulation) can be usefully measured as a numeric attribute specifying the number of users who have retrieved that object” where the “target object” is the “article” and its “popularity” is its “weight”. See also, e.g. col. 12, line 48 to col. 13, line 5, “a textual attribute, such as the full text of a movie review, can be replaced by a collection of numeric attributes that represent scores to denote the presence and significance of the words ‘aardvark,’ ‘aback,’ ‘abacus,’ and so on through ‘zymurgy’ in that text. The score of a word in a text may be defined in numerous ways. The simplest definition is that the score is the rate of the word in the text” where the words in the text are the “articles” and the “rate” at which they appear is their “weight.”

Response to Arguments

As per Applicant’s argument that Herz does not teach “*wherein said objective interest level is determined by a vendor who offers the products or services,*” the Examiner agrees. Wong does, however, see Fig. 1 and [0025], “The procedure then proceeds to block 13, where the procedure defines an interest level I. The interest level can be defined by the advertiser.” Thus, it would have been obvious to one of ordinary skill in the database art at the time of the invention to combine the teachings of the cited references because Wong’s teachings would have allowed Herz’s method to gain a means for presenting advertisements that are interesting to an audience of Internet users, see [0004].

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Sanders whose telephone number is 571-270-1016. The examiner can normally be reached on M-F 9:00a-4:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AJS/
Aaron J. Sanders
Examiner
14 February 2008

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